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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/574,039	03/27/2006	Yutaka Yasui	FUJS 22-477 (100794-01073)	8037
26304 7590 09/12/2008 KATTEN MUCHIN ROSENMAN LLP 575 MADISON AVENUE NEW YORK, NY 10022-2585				
EXAMINER SHEDRICK, CHARLES TERRELL				
ART UNIT		PAPER NUMBER		
2617				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/574,039

**Applicant(s)**

YASUI ET AL.

**Examiner**

CHARLES SHEDRICK

**Art Unit**

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF 298)  
Paper No(s)/Mail Date \_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims **1-4, 6-11, 13-17 and 19-20** are rejected under 35 U.S.C. 102(b) as being anticipated by Toshihisa JP Patent No.: **2002230424**

Consider claims **1, 8 and 15**, Toshihisa teaches an information distribution service providing system(**i.e., the system, corresponding method thereof and apparatus**), comprising: a server system which provides a plurality of mobile information terminals, carried by a plurality of users who have been registered as users of information distribution service, with the information distribution service via a communication network(**e.g., the providing system noted in at least paragraph 0006 providing information to PDA's**); and a terminal of an information distribution requester (**e.g., PDA as noted in at least paragraphs 0006**), which terminal communicates with the server system and specifies a user characteristic and information distribution object areas for the users to whom information is to be distributed by the information distribution service(**e.g., the means to acquire position information of said PDA as noted in at least paragraph 0006, 0008**), said server system including: distribution state change monitoring means which monitors change over time in distribution of the mobile information terminals of the users with the user characteristic in the information distribution object area, based on location information of the mobile information terminal(**e.g., the location/position is**

**not corresponding to the number of PDA's in the zone/area)(see at least paragraphs 0010-0013, 0017-0018, and 0022-0031);** distribution state predicting means which predicts a distribution state of the mobile information terminals in the future based on the monitoring result obtained by said distribution state change monitoring means(**i.e., predicted distribution of population as noted in at least paragraphs 0012 and 0027-0032**); and information distributing means which distributes information to the mobile information terminals of the users based on the prediction result obtained by the distribution state predicting means (**e.g., information is sent to PDA based on prediction results**)(see at least paragraphs 0027-0032).

Consider **claims 2, 9, and 16 and as applied to claims 1, 8 and 15**, Toshihisa teaches wherein said distribution state change monitoring means includes: a distribution density calculating unit which calculates distribution density of mobile information terminals of the service users with the user characteristic, in a specified block included in the information distribution object area, based on location information of the mobile information terminal (**e.g., calculating number of PDA's as introduced in at least paragraph 0010**); and a high density distribution area detecting unit which detects a high density distribution area, in which the distribution density is higher than a predetermined density, based on the calculation result obtained by said distribution density calculating unit (**e.g., the fluctuations in density(i.e., high or low) can be accounted for based on a number of factors including weather and events of a zone as indicated in at least paragraphs 0027-0032** ), wherein said distribution state predicting means includes: a high density distribution area movement displacement calculating unit which calculates movement displacement of the high density distribution area detected by said high density distribution area detecting unit (**i.e., displacement based on a PDA in one**

**area/zone as noted by history to predict movement as noted in at least paragraphs 0024 and 0027-0032); and a high density distribution area movement predicting unit which predicts a destination to which the high density distribution area moves, based on the movement displacement obtained by said high density distribution area movement displacement calculating unit(i.e., displacement based on a PDA in one area/zone as noted by history to predict movement as noted in at least paragraphs 0024 and 0027-0032 and 0041-0046), and wherein said information distribution means includes an information distributing unit of a high density distribution area prediction type, which information distributing unit selects information corresponding to the destination of movement, predicted by said high density distribution block movement predicting unit, and distributes the selected information (e.g., see transmission of information by provider to PDA as noted in at least paragraph 0022).**

Consider **claims 3, 10, and 17 and as applied to claims 1, 8 and 15**, Toshihisa teaches wherein said information distribution means includes: a distance/arrival time estimating unit which estimates the distance and/or the time required to move from the high density distribution block to a place where the information distribution requester is located or a place specified by the information distribution requester(e.g., **time zones are logged and location prediction can be based on time in the zone as indicated in at least paragraphs 0027-0032 and 0041-0046** ), based on the calculation result obtained by said high density distribution area movement displacement calculating unit; and an information distributing unit of a distance/arrival time estimation type, which information distributing unit distributes information corresponding to the distance and/or the arrival time estimated by said distance/arrival time estimating unit to the mobile information terminals within the high density distribution area(e.g., see transmission of

**information by provider to PDA as noted in at least paragraph 0022).**

Consider **claims 4 and 11 and as applied to claims 3 and 10**, Toshihisa teaches wherein said information distributing means includes a distribution information recommending unit which makes recommendations with respect to to-be-distributed information corresponding to the distance/arrival time estimated by said distance/arrival time estimating unit(e.g., **advertisements and proper fee assessments as noted in at least paragraphs 0041-0046).**

Consider **claims 6, 13 and 19 and as applied to claims 1, 8 and 15**, Toshihisa teaches wherein said server system includes user reaction processing means which analyzes reaction of the service users' mobile terminals to information distributed from said information distributing means, and then outputs the analysis result to an external apparatus (i.e., **the PDA receives info and acts and info based on the interaction of PDA when acquiring info the information can be analyzed and sent to advertiser to determine a proper fee**)(see at least paragraphs 0041-0045).

Consider **claims 7, 14 and 20 and as applied to claims 1, 8 and 15**, Toshihisa teaches said distribution state predicting means includes an approximation function estimating unit which predicts the distribution state by estimating an approximation function with respect to change over time in the future distribution state based on a history of monitoring result in the past obtained by said distribution state change monitoring means (i.e., **see past track record / history in at least paragraph 0027-0032, also number of PDA's versus activity is monitored over at least a week period as noted in paragraph 0011).**

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
  2. Ascertaining the differences between the prior art and the claims at issue.
  3. Resolving the level of ordinary skill in the pertinent art.
  4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
5. Claims **5, 12 and 18** are rejected under 35 U.S.C. 103(a) as being unpatentable over Toshihisa JP Patent No.: 2002230424 in view of Kazou et al JP 2000155681.

Consider **claims 5, 12 and 18** and as applied to **claims 2, 9 and 16**, Toshihisa teaches the claimed invention except wherein said information distributing means includes a high-density distribution area movement prediction result notifying unit which notifies the information distribution requester's terminal of the prediction result obtained by said high density distribution block movement predicting unit.

However, in analogous art, Kazou et al. teaches notifying unit which notifies the prediction result obtained by predicting unit (e.g., see **abstract and output discussed in at least claim 1**).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Toshihisa to include a notification unit for outputting predictions as taught by Kazuo.

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHARLES SHEDRICK whose telephone number is (571)272-8621. The examiner can normally be reached on Monday thru Friday 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, V. Paul Harper can be reached on (571)-272-7605. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/VINCENT P. HARPER/  
Supervisory Patent Examiner, Art Unit 2617

/Charles Shedrick/  
Examiner, Art Unit 2617  
September 10, 2008